

1 MEREDITH N. LANDY (S.B. #136489)  
2 PETER T. SNOW (S.B. #222117)  
3 O'MELVENY & MYERS LLP  
4 2765 Sand Hill Road  
5 Menlo Park, California 94025-7019  
Telephone: (650) 473-2600  
Facsimile: (650) 473-2601  
Email: mlandy@omm.com  
psnow@omm.com

6 Attorneys for Defendants Rackable Systems, Inc.,  
7 Thomas K. Barton, Madhu Ranganathan and Todd  
R. Ford

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

## OAKLAND DIVISION

12 IN RE RACKABLE SYSTEMS, INC. ) Case No. C-09-0222-CW  
13 SECURITIES LITIGATION )  
14 THIS DOCUMENT RELATES TO: ) CLASS ACTION  
15 ALL ACTIONS. )  
16 ) **STIPULATION AND ORDER**  
17 ) **REGARDING SCHEDULING**  
18 ) **MATTERS**

WHEREAS, on February 3, 2010, Lead Plaintiffs filed the Second Amended Complaint for Violations of the Federal Securities Laws (“Second Amended Complaint”);

WHEREAS, on December 28, 2009, the Court entered an order setting the briefing schedule for Defendants' response to the Second Amended Complaint, which is currently due on February 24, 2010;

WHEREAS, Defendants intend to file a motion to dismiss the Second Amended Complaint;

WHEREAS, the parties have met and conferred regarding modifying the briefing schedule for Defendants' motion to dismiss;

NOW, THEREFORE, the undersigned parties hereby stipulate and agree, and respectfully request that the Court enter an order, as follows:

1. Defendants shall file their motion to dismiss the Second Amended Complaint on or before April 2, 2010;

2. Lead Plaintiffs shall file their opposition to Defendants' motion to dismiss on or before April 30, 2010:

3. Defendants shall file their reply in support of their motion to dismiss on or before May 14, 2010:

4. The hearing on defendants' Motion to Dismiss shall be on June 3, 2010 at 2:00 pm.

## IT IS SO STIPULATED.

O'MELVENY & MYERS LLP

Dated: February 23, 2010

By: \_\_\_\_\_ /s/  
Meredith N. Landy

Attorneys for Defendants Rackable Systems, Inc., Thomas K. Barton, Madhu Ranganathan and Todd R. Ford

1 GLANCY BINKOW & GOLDBERG LLP  
2  
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4 Dated: February 23, 2010  
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By: \_\_\_\_\_/s/

Lionel Z. Glancy  
Michael Goldberg

6 Attorneys for Lead Plaintiffs  
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I, Meredith N. Landy, am the ECF User whose ID and password are being used to file this  
9 Stipulation and [Proposed] Order Regarding Scheduling Matters. In compliance with General  
10 Order 45, X.B., I hereby attest that Lionel Z. Glancy has concurred in this filing.  
11

12 By: \_\_\_\_\_/s/  
13  
14

Meredith N. Landy

**O R D E R**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: \_\_2/23/2010  
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The Honorable Claudia Wilken  
United States District Judge

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